

REMARKS

The Examiner is thanked for the indication that claims 1-15 and 19-22 would be allowable if rewritten to overcome rejections under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. The Examiner also is thanked for the indication that claims 18 and 25 would be allowable if rewritten to overcome rejections under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Claims 1-17 and 19-24 are pending in the application. Claims 1, 8, 12, 16, 19, and 23 are independent. By the foregoing Amendment, claims 8, 12, 16, and 19-24 have been amended and claims 18 and 25 have been canceled. These changes are believed to introduce no new matter and their entry is respectfully requested.

Objection to Claims 19 and 25

In the Office Action, the Examiner objected to claims 19 and 25 citing informalities. By the foregoing Amendment, Applicants have amended claim 19 to accommodate the Examiner and have canceled claim 25 rendering the objection to it moot. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the objection to claims 19 and 25.

Rejection of Claims 19-25 Under 35 U.S.C. §112, First Paragraph

In the Office Action, the Examiner rejected claims 19-25 under 35 U.S.C. §112, first paragraph as containing subject matter that was not described in the Specification in such a way as to enable a person of ordinary skill in the art to make and use the invention. Specifically, the Examiner states that the terms “article of manufacture,” “machine-accessible medium,” and “data” are not understood and how data can cause the machine to perform the “outputting steps,” “dividing steps,” and “buffering step” because *the Specification “does not show the detailed structure of the machine and the medium and explain how the machine can perform these steps”* (emphasis added). Applicants respectfully traverse the rejection.

An enablement rejection under 35 U.S.C. §112, first paragraph refers to the requirement that an applicant’s specification enable one skilled in the relevant art to make and use the

invention as claimed without undue experimentation. MPEP §2164.01(b) provides that as long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claim, then the enablement requirement is satisfied..

By the foregoing Amendment, Applicants have canceled claim 25 rendering the rejection of it moot. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 25.

Applicants respectfully submit that Applicants are not claiming “the machine” that the machine-accessible medium causes to perform the operations recited in claims 19-24. Thus, Applicants respectfully submit that the detailed structure of the machine need not be shown in the Specification.

Assuming for the sake of argument that the Examiner’s concern that the Specification does not “show the detailed structure of the machine” is valid, Applicants direct the Examiner to the microprocessor 110 in Figure 1. Paragraphs [0015]–[0030] of Applicants’ Specification describe the microprocessor as being capable of utilizing a machine-accessible medium to perform the operations recited in claims 19-24. Paragraph [0030] of Applicants’ Specification describes an example of a suitable microprocessor. Paragraphs [0038]–[0039] of Applicants’ Specification describe the machine-accessible medium and describe examples of suitable machine-accessible media. Applicants respectfully submit therefore that Applicants Specification describes at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claims. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 19-24.

Rejection of Claims 11-25 Under 35 U.S.C. §112, Second Paragraph

In the Office Action, the Examiner rejected claims 1-25 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. Applicants respectfully traverse the rejection.

35 U.S.C. §112, second paragraph, requires that claims (1) set forth the subject matter the applicant seeks to protect and (2) define the metes and bounds of the subject matter the applicant seeks to protect. (MPEP §2171.) These are two separate requirements. (MPEP §2171.) That is, if a rejection is based on 35 U.S.C. §112, second paragraph, an Examiner should explain whether the rejection is based on indefiniteness (*i.e.*, the metes and bounds of the invention are not defined) *or* on the failure to particularly point out and distinctly claim the subject matter that the applicant regards as the invention (*i.e.*, it is not clear what the invention is). (MPEP §2171.)

“A rejection based on a failure to particularly point out and distinctly claim the subject matter that the applicant regards as the invention is appropriate only where an applicant has stated, somewhere other than in the application as filed, that the invention is something different from what is defined by the claims.” (MPEP §2172.) “In other words, the invention set forth in the claims must be presumed, *in the absence of evidence to the contrary*, to be that which the applicants regard as the invention.” (MPEP §2172.I.) Evidence is found in contentions or admissions contained in briefs or remarks filed by an applicant, or in affidavits filed under Rule 132. (MPEP §2172.II.)

MPEP §2171.02 provides that the test for definiteness under 35 U.S.C. §112, second paragraph, is whether “those skilled in the art would understand what is claimed when the claim is read in light of the specification” (*citing Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir.1986)).

In the Office Action, the Examiner states that in claim 1 it is unclear how the recitation circuitry on line 2 is read on the preferred embodiment and that no such circuitry is shown in the drawings. In this rejection, it is not clear to Applicants whether the Examiner is asserting that claim 1 fails to meet the definiteness requirement (*i.e.*, the metes and bounds of the invention are not defined) or fails to particularly point out and distinctly claim the subject matter that the applicant regards as the invention (*i.e.*, it is not clear what the invention is). Applicants respectfully request clarification under which requirement “it is unclear how the recitation circuitry on line 2 is read on the preferred embodiment and that no such circuitry is shown in the drawings” falls. In any event, Applicants respectfully submit that there is no requirement that

Applicants point out to the Examiner how claim elements read on a preferred embodiment. However, Applicants respectfully submit that Applicants' Specification discloses in Figure 1 and accompanying description circuitry for the apparatus recited in claim 1 according to at least one embodiment of the present invention. Moreover, Applicants respectfully submit that the Examiner has provided no evidence that Applicants have defined embodiments of the present invention as anything different from that which is set forth in claim 1. Applicants therefore respectfully submit that the Examiner has not met the burden necessary to support the rejection of claim 1 under 35 U.S.C. §112, second paragraph. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection.

In the Office Action, the Examiner states that in claim 2 it is unclear what the circuits are and where they come from. Again, in this rejection it is not clear to Applicants whether the Examiner is asserting that claim 2 fails to meet the definiteness requirement (*i.e.*, the metes and bounds of the invention are not defined) or fails to particularly point out and distinctly claim the subject matter that the applicant regards as the invention (*i.e.*, it is not clear what the invention is). Applicants respectfully submit that Applicants' Specification discloses in Figures 1-3 and accompanying description "a buffer circuit coupled between the clock generator and each of the first, second, third, and fourth divide-by-two circuits" as recited in claim 2. Thus, Applicants respectfully submit that, read in light of Applicants' Specification persons skilled in the art would understand what is claimed in claim 2. Moreover, Applicants respectfully submit that the Examiner has provided no evidence that Applicants have defined embodiments of the present invention as anything different from that which is set forth in claim 2. Applicants therefore respectfully submit that the Examiner has not met the burden necessary to support the rejection of claim 2 under 35 U.S.C. §112, second paragraph. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 2.

In the Office Action, the Examiner states that in claim 3 it is unclear how the circuit can be preset. Again, in this rejection it is not clear to Applicants whether the Examiner is asserting that claim 3 fails to meet the definiteness requirement (*i.e.*, the metes and bounds of the invention are not defined) or fails to particularly point out and distinctly claim the subject matter that the applicant regards as the invention (*i.e.*, it is not clear what the invention is). However, see

Applicants' Specification discloses in paragraphs [0019]-[0022] how the circuit can be preset. Thus, Applicants respectfully submit that, read in light of Applicants' Specification persons skilled in the art would understand what is claimed in claim 3. Moreover, Applicants respectfully submit that the Examiner has provided no evidence that Applicants have defined embodiments of the present invention as anything different from that which is set forth in claim 3. Applicants therefore respectfully submit that the Examiner has not met the burden necessary to support the rejection of claim 3 under 35 U.S.C. §112, second paragraph. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 3.

In the Office Action, the Examiner states that the term "the clock signal's complementary clock signal on line 5 in claim 8 lacks antecedent basis and it is unclear how a receiving signal can output a signal. The Examiner rejected claim 10 for similar reasons. By the foregoing Amendment, Applicants have amended claim 8 to accommodate the Examiner. Claim 10 should now also be in a proper form. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 8 and 10.

In the Office Action, the Examiner states that in claim 12 it is unclear how the recitation "microprocessor" and "memory" is read on the preferred embodiment and that "no such microprocessor and memory coupled to receive the second clock signal as combined in this claim." By the foregoing Amendment, Applicants have amended claim 12 to accommodate the Examiner. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 12.

In the Office Action, the Examiner states that in claim 16 it is unclear what the first and second power domains are. In this rejection it is not clear to Applicants whether the Examiner is asserting that claim 16 fails to meet the definiteness requirement (i.e., the metes and bounds of the invention are not defined) or fails to particularly point out and distinctly claim the subject matter that the applicant regards as the invention (i.e., it is not clear what the invention is). However, Applicants respectfully submit that Applicants' Specification discloses in Figure 1 and accompanying description of power domain 116 and power domain 121 according to an embodiment of the present invention. Thus, Applicants respectfully submit that, read in light of

Applicants' Specification persons skilled in the art would understand what is claimed in claim 16. Moreover, Applicants respectfully submit that the Examiner has provided no evidence that Applicants have defined embodiments of the present invention as anything different from that which is set forth in claim 16. Applicants therefore respectfully submit that the Examiner has not met the burden necessary to support the rejection of claim 16 under 35 U.S.C. §112, second paragraph. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 16.

In the Office Action, the Examiner states that in claim 18 it is unclear how the recitation "outputting steps" and "receiving steps" read on the preferred embodiment and that no such steps are shown in the drawings. In this rejection, it is not clear to Applicants whether the Examiner is asserting that claim 18 fails to meet the definiteness requirement (*i.e.*, the metes and bounds of the invention are not defined) or fails to particularly point out and distinctly claim the subject matter that the applicant regards as the invention (*i.e.*, it is not clear what the invention is). Applicants respectfully request clarification under which requirement "it is unclear how the recitation 'outputting steps' and 'receiving steps' read on the preferred embodiment and that no such steps are shown in the drawings" falls. In any event, Applicants respectfully submit that there is no requirement that Applicants point out to the Examiner how claim elements read on a preferred embodiment. However, Applicants respectfully submit that Applicants' Specification discloses in Figure 1 and accompanying description circuitry performing the operations recited in claim 18 according to at least one embodiment of the present invention. Moreover, Applicants respectfully submit that the Examiner has provided no evidence that Applicants have defined embodiments of the present invention as anything different from that which is set forth in claim 18. Applicants therefore respectfully submit that the Examiner has not met the burden necessary to support the rejection of claim 1 under 35 U.S.C. §112, second paragraph. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 18.

In the Office Action, the Examiner states that the term "the clock signal's complementary clock signal in claim 19 lacks antecedent basis and it is unclear how a receiving signal can output a signal. The Examiner rejected claims 20-25 for similar reasons. By the foregoing Amendment,

Applicants have amended claim 19 to accommodate the Examiner and have canceled claim 25 rendering the rejection of it moot. Claims 20-24 should now also be in a proper form. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 19-25.

Also, the Examiner states with respect to claim 19-25 it is not understood what that the terms “machine,” “medium,” and “data” are not understood, how the machine can perform the “receiving steps” and “outputting steps,” and where the clock signals come from. Applicants direct the Examiner to the microprocessor 110 in Figure 1. By the foregoing Amendment, Applicants have canceled claim 25 rendering the rejection of it moot. Paragraphs [0015]–[0030] of Applicants’ Specification describe the microprocessor 110 as being capable of utilizing a machine-accessible medium to perform the operations recited in claims 19-24 according to at least one embodiment. Paragraph [0030] of Applicants’ Specification describes an example of a suitable microprocessor. Paragraphs [0038]–[0039] of Applicants’ Specification describe the machine-accessible medium and describe examples of suitable machine-accessible media. Applicants respectfully submit therefore that Applicants Specification describes at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claims. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 19-25.

With respect to the term “data” in claim 20, by the foregoing Amendment, Applicants have amended claim 20 to accommodate the Examiner. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 20.

Rejection of Claims 16-17 and 23-24 Under 35 U.S.C. §102(e)

In the Office Action, the Examiner rejected claims 16-17 and 23-24 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,737,927 to Hsieh (hereinafter “Hsieh”). A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is

contained in the claim. Id. *citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). Applicants respectfully traverse the rejection.

Applicants have amended claims 16 to include the subject matter of claim 18, which Applicants respectfully submit Hsieh fails to teach. For example, Hsieh fails to teach “outputting a first signal in phase with the clock signal at one-half the frequency f and a second signal one hundred eighty degrees out of phase with the first signal; outputting a third signal ninety degrees out of phase with the first signal and a fourth signal one hundred eighty degrees out of phase with the third signal; and receiving the first, second, third, and fourth signals and outputting a second clock signal having a duty cycle of approximately fifty percent and the frequency” as recited in amended claim 16. Thus Hsieh fails to teach the identical invention of claim 16.

Claim 17 properly depends from claim 16, which Applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claim 17 is patentable for at least the same reasons that claim 16 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 16-17.

Applicants have amended claims 23 to include the subject matter of claim 25, which Applicants respectfully submit Hsieh fails to teach. For example, Hsieh fails to teach “outputting a first signal in phase with the clock signal at one-half the frequency f and a second signal one hundred eighty degrees out of phase with the first signal; outputting a third signal ninety degrees out of phase with the first signal and a fourth signal one hundred eighty degrees out of phase with the third signal; and receiving the first, second, third, and fourth signals and outputting a second clock signal having a duty cycle of approximately fifty percent and the frequency” as recited in amended claim 23. Thus Hsieh fails to teach the identical invention of claim 23. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 23.

Claim 24 properly depends from claim 23, which Applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claim 24 is patentable for at least the

same reasons that claim 23 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 23-24.

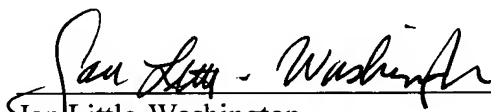
CONCLUSION

Applicant submits that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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